

December 4, 2013

STATEMENT OF PROCEEDINGS

The Minutes of the

***SAN DIEGO COUNTY SANITATION DISTRICT
REGULAR MEETING***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
SAN DIEGO COUNTY SANITATION DISTRICT
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, DECEMBER 04, 2013, 09:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

MORNING SESSION: Meeting was called to order at 9:06 a.m.

PRESENT: Directors Greg Cox, Chairman; Dianne Jacob, Vice Chairwoman; Dave Roberts; Ron Roberts; Bill Horn; also David C. Hall, Assistant Clerk of the Board.

Public Communication: [No Speakers]

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Sanitation District Agenda Items

Agenda # Subject

1. IMPACT FEE DEFERRAL PROGRAM EXTENSION (12/4/2013 – FIRST
 READING; 1/29/2014 – SECOND READING)

 (RELATES TO BOARD OF SUPERVISORS AGENDA NO. 4 AND FLOOD
 CONTROL DISTRICT AGENDA NO. 1)
2. ADOPT RESOLUTION RATIFYING EMERGENCY REPAIR OF INTERCEPTOR
 SEWER IN CAMPO
 [FUNDING SOURCE(S): DISTRICT FUND BALANCE]
 (4 VOTES)
3. SUNSET REVIEW OF BOARD OF SUPERVISORS POLICIES, CODE OF
 ADMINISTRATIVE ORDINANCES, AND CODE OF REGULATORY
 ORDINANCES

 (RELATES TO BOARD OF SUPERVISORS AGENDA NO. 13)

**SA1. SUBJECT: IMPACT FEE DEFERRAL PROGRAM EXTENSION
(12/4/2013 – FIRST READING; 1/29/2014 – SECOND
READING) (DISTRICTS: ALL)**

OVERVIEW:

In 2008, the State of California approved Assembly Bill 2604 which allows local governments to defer impact fees for land development projects as opposed to collecting the fees when the building permit is issued. The intent of the state legislation was to promote economic stimulus in the region by deferring the payment and collection of impact fees.

On December 10, 2008 (14), the Board of Supervisors directed the Chief Administrative Officer to draft ordinance amendments to defer impact fees for residential tracts and commercial building permits until final inspection or certificate of occupancy. The Board directed that the impact fee deferrals include Transportation Impact Fees, Park Lands Dedication Ordinance Fees, Drainage Fees and Sewer Fees, and a program sunset date. On March 4, 2009 (2), the Board adopted ordinance amendments to authorize, for a two-year period, deferral of certain impact fees in accordance with Assembly Bill 2604. On July 13, 2011 (9), the Board authorized a two-year extension of the Impact Fee Deferral Program.

Today's request is that the Board authorize an additional two-year extension of the Impact Fee Deferral Program.

FISCAL IMPACT:

If approved, the Ordinances will result in the continued deferral of applicant payment and County collection of the Transportation Impact Fees, Park Lands Dedication Ordinance Fees, Drainage Fees, and Sanitation District Fees. This deferral will result in a loss of revenue that would otherwise be generated by interest on the fees if they were collected earlier in the process. The previously adopted administration fee of \$170, that ensures full cost recovery for additional staff time to administer the program, will remain unchanged. This administration fee will be charged for each commercial permit issued and for each grouped phase of homes for tract developments. Administration of the program will be accomplished with existing staff. Based on data from April 2009-October 2013, customers were able to defer approximately \$4.5 million in impact fees, with an average deferral period of 165 days.

BUSINESS IMPACT STATEMENT:

Under Assembly Bill 2604, the proposed Impact Fee Deferral Program is designed to provide an economic stimulus for the region through the deferral of payment and collection of impact fees. The Building Industry Association (BIA) supports the extension of the impact fee deferral concept as a means to continue to stimulate development, job growth and the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Acting as Board of Directors of the San Diego County Sanitation District:

On December 4, 2013:

1. Find that the proposed project is exempt from CEQA as specified in Section 15273 of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption dated November 4, 2013, on file with PDS, and approve the findings in Attachment G pursuant to the CEQA Guidelines Section 15273(c).
2. Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance (Attachment F), titled:

AN ORDINANCE AMENDING THE UNIFORM SEWER
ORDINANCE RELATED TO THE DEFERRAL OF
DEVELOPMENT IMPACT FEES.

If on December 4, 2013, the Board takes action as recommended, then on January 29, 2014:

Consider and adopt the Ordinance (second reading):

AN ORDINANCE AMENDING THE UNIFORM SEWER
ORDINANCE RELATED TO THE DEFERRAL OF
DEVELOPMENT IMPACT FEES.

(Relates To Board of Supervisors Agenda No. 4 and Flood Control District Agenda No. 1)

ACTION:

ON MOTION of Director R. Roberts, seconded by Director D. Roberts, the Board of Directors of the San Diego County Sanitation District took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on January 29, 2014.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

**SA2. SUBJECT: ADOPT RESOLUTION RATIFYING EMERGENCY REPAIR
OF INTERCEPTOR SEWER IN CAMPO (DISTRICT: 2)**

OVERVIEW:

The Campo interceptor sewer was originally constructed by the federal government in what was formerly known as Camp Lockett, a World War II Army cavalry training and border defense facility. In 1950, ownership of the sewer collection network, public water supply system, and sewage treatment and disposal facility was transferred to the County (57th Edition Thomas Guide Page 430, B-10). Since that time, the facilities have been maintained and managed by various County entities. Currently, the sewer collection and treatment facilities are owned and operated by the San Diego County Sanitation District (District).

On August 8, 2013, the District was notified of a sewage leak where the interceptor connects with an above-ground junction box. District crews applied a temporary repair, but it was determined that a permanent repair was more complex and specialized than District crews could perform. District engineering staff concluded that recurrence of a sewage leak was highly probable and imminent, and there was a significant risk to public health and property. This risk did not allow time to undertake the usual and preferred competitive bidding and award process. On behalf of the District, the Director, Department of Public Works took the necessary steps to secure an emergency contractor to immediately initiate permanent repairs to prevent a catastrophic failure.

California Public Contract Code, Section 20783, stipulates that emergency expenditures by County Sanitation Districts which do not utilize the competitive bid process must be approved by resolution of the governing board of the District by a 4/5ths vote. The resolution may be adopted by the Board after the contract work is completed. The total repair cost for the Campo interceptor was \$49,497.

This is a request to adopt a resolution in accordance with California Public Contract Code, Section 20783 to ratify the emergency repair and find there was an emergent condition where the public interest and necessity required immediate expenditure to safeguard health and property without submitting the expenditure to bid.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2013-14 Operational Plan for the San Diego County Sanitation District. The emergency sewer repair resulted in a \$49,497 current year one-time cost. The funding source was the District fund balance. There is no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Adopt the Resolution Authorizing Emergency Expenditure (Attachment B) declaring that public interest and necessity demanded immediate expenditure of public funds on an emergency basis without competitive bidding and ratifying the emergency repair to the Campo interceptor sewer. **(4 VOTES)**

ACTION:

ON MOTION of Director R. Roberts, seconded by Director D. Roberts, the Board of Directors of the San Diego County Sanitation District took action as recommended, on Consent, adopting Resolution No. 13-177, entitled: **RESOLUTION AUTHORIZING EMERGENCY EXPENDITURE**

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

**SA3. SUBJECT: SUNSET REVIEW OF BOARD OF SUPERVISORS
POLICIES, CODE OF ADMINISTRATIVE ORDINANCES,
AND CODE OF REGULATORY ORDINANCES
(DISTRICTS: ALL)**

OVERVIEW:

In accordance with Board of Supervisors Policy A-76, Sunset Review Process, the Land Use and Environment Group periodically reviews Board of Supervisors policies and provisions, as well as ordinances of the County Administrative Code and County Regulatory Code to ensure obsolete policies and Code provisions are deleted and remaining requirements reflect current Board standards and practices.

The proposed action includes approval of a new sunset review date for policies and ordinances listed in this letter, including revisions to some of these. No revisions are proposed to Board of Supervisor Policies A-124, I-109, and I-138; County Administrative Code Article XVI-C, Department of Agriculture, Weights and Measures (AWM), Article XVI-D, Department of Parks and Recreation (DPR), Article XXIIa, Department of Planning & Development Services (PDS), and Article XXIIb (PDS); and County Regulatory Code Title 8 (PDS). County staff is proposing revisions to Board of Supervisors Policies I-99, I-108, I-133, J-4, J-17, J-21, J-25 and J-31, as well as the rescission of Policy J-26—Treatment of Medians on Circulation Element Roads—and the disestablishment of the Integrated Pest Management Committee established by County Administrative Code Article XII-E, Section 204 to 204.11. This action also requires that the Board acting as the Board of Directors for the San Diego County Sanitation District concur on actions that apply to this district.

FISCAL IMPACT:

The requested actions will have no current year or annual cost and will not require any additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Acting as the San Diego County Sanitation District Board of Directors

Approve amendments to and establish the sunset review date of December 31, 2020, for Board of Supervisors Policy I-99.

(Relates to Board of Supervisors Agenda No. 13)

ACTION:

ON MOTION of Director R. Roberts, seconded by Director D. Roberts, the Board of Directors of the San Diego County Sanitation District took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

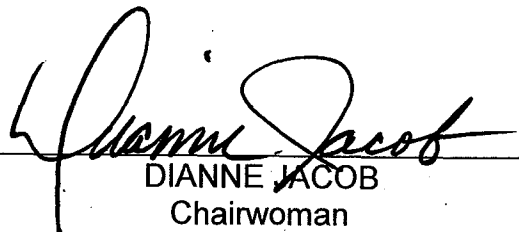
There being no further business, the Board of Directors of the San Diego County Sanitation District adjourned at 11:30 a.m.

THOMAS J. PASTUSZKA
Clerk of the Board of Directors
of Sanitation District

Notes By: Miller


NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board Directors of Sanitation District on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Directors, on Tuesday, January 7, 2014.



DIANNE JACOB
Chairwoman

Attest:



THOMAS J. PASTUSZKA
Clerk of the Board